

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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LUIS CARDENAS-ORNELAS,

Case No. 3:17-cv-00461-MMD-CLB

Petitioner,

ORDER

v.

RENEE BAKER, *et al.*,

Respondents.

This habeas matter is before the Court on Petitioner Luis Cardenas-Ornelas's letter requesting status of representation. (ECF No. 76.)

The Court appointed David Neidert, Esq. to represent Cardenas-Ornelas in December 2017. (ECF No. 10.) The Court appointed Neidert to represent Cardenas-Ornelas in all federal proceedings related to this matter, including any appeals or *certiorari* proceedings, unless allowed to withdraw. (*Id.*) Cardenas-Ornelas has filed numerous pro se letters/motions stating that he could not get in touch with Neidert despite letters and phone calls, or had not received copies of filings. (ECF Nos. 25, 27, 31, 50, 57, 58, 70, 71, 74.) However, the Court has found no indication of a conflict between Neidert and Cardenas-Ornelas, or that Neidert was unable to adequately represent Cardenas-Ornelas. (See, e.g., ECF Nos. 28, 32, 33, 59, 60.)

On October 8, 2020, Respondents filed an answer (ECF No. 69) to Cardenas-Ornelas's Amended Petition (ECF No. 11). Accordingly, any reply was due by November 9, 2020. (See ECF No. 56.) No reply was filed, and the deadline expired without request for extension. Cardenas-Ornelas stated that he had not heard from Neidert since July 2020, despite mailing letters and prison restrictions preventing Cardenas-Ornelas from calling Neidert during business hours. (ECF Nos. 70, 71.)

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1 The Court instructed Neidert to respond by filing (1) a motion seeking leave to file  
2 an untimely reply, or (2) a notice stating that a reply was not warranted. (ECF No. 72.)  
3 Neidert responded informing the Court that he does not believe a reply is warranted in this  
4 case. (ECF No. 73.) Neidert further stated that he is “in the process of closing his private  
5 practice” and will file a motion to withdraw “in the near future, so that counsel can be  
6 appointed to represent Mr. Cardenas-Ornelas in future proceedings.” (*Id.* at 1.) Neidert  
7 has not filed a motion to withdraw as of the date of this order.

8 In his most recent letter, Cardenas-Ornelas has reiterated that he has not had  
9 contact with Neidert and requests the status of Neidert’s representation. As explained in  
10 the prior order, the briefing period in this case has closed and additional filings will not be  
11 accepted. As such, there will be no developments in this case for Neidert to communicate  
12 to Cardenas-Ornelas until the Court issues a merits decision. A merits decision is forth-  
13 coming and will be issued in due course. The Court further provided that Neidert is to  
14 inform Cardenas-Ornelas once a merits decision is entered or move for withdrawal and  
15 appointment of new counsel if the closing of his practice progresses before a merits  
16 decision is entered.

17 The Court directs Neidert to file a status report to confirm his representation of  
18 Cardenas-Ornelas by December 27, 2021.

19 It is therefore ordered that, by December 27, 2021, counsel Neidert must file a  
20 status report to confirm his representation of Cardenas-Ornelas.

21 DATED THIS 15<sup>th</sup> Day of December 2021.

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24 MIRANDA M. DU  
25 CHIEF UNITED STATES DISTRICT JUDGE  
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